

JUDGE CROTTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CRIM. 653

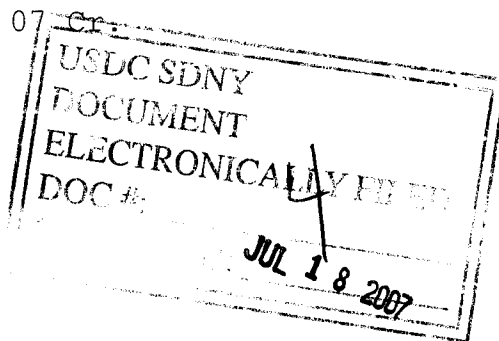
UNITED STATES OF AMERICA

-v.-

KENNETH ESSELL, and
FRANCISCA EGBO,

Defendants.

INDICTMENT



COUNT ONE

The Grand Jury charges:

1. From in or about the Fall of 2006, up to and including in or about the Spring of 2007, in the Southern District of New York and elsewhere, KENNETH ESSELL and FRANCISCA EGBO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1344.

2. It was a part and object of the conspiracy that KENNETH ESSELL and FRANCISCA EGBO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly, would and did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain, by means of false and fraudulent pretenses, representations and promises, moneys, funds, credits, assets,

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securities, and other property owned by, and under the custody and control of, such financial institution, in violation of Title 18, United States Code, Section 1344.

Overt Acts

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From in or about November 2006 through in or about Spring 2007, an unidentified co-conspirator maintained a voice mail service account having the number (212) 592-3048.

b. On or about December 13, 2006, FRANCISCA EGBO, the defendant, deposited a cashier's check, drawn on fraudulent funds, in the amount of \$15,000 and payable to KENNETH ESSELL, the defendant, into her checking account at a bank (the "Bank"), which was combined with a brokerage account at the Bank in the names of both ESSELL and EGBO.

c. On or about February 5, 2007, FRANCISCA EGBO, the defendant, deposited a cashier's check, drawn on fraudulent funds, in the amount of \$9,500 and payable to KENNETH ESSELL, the defendant, into her checking account at the Bank, which was combined with a brokerage account at the Bank in the names of both ESSELL and EGBO.

d. On or about February 9, 2007, KENNETH ESSELL,

the defendant, deposited a cashier's check, drawn on fraudulent funds, in the amount of \$8,500 and payable to ESSELL, into a checking account at the Bank in the name of FRANCISCA EGBO, the defendant, which was combined with a brokerage account at the Bank in the names of both ESSELL and EGBO.

(Title 18, United States Code, Section 1349.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the offense alleged in Count One of this Indictment, KENNETH ESSELL and FRANCISCA EGBO, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(2)(A), any property constituting or derived from proceeds obtained directly or indirectly as a result of the offense charged in Count One above.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of one of the defendants:

(1) cannot be located upon the exercise of due diligence;

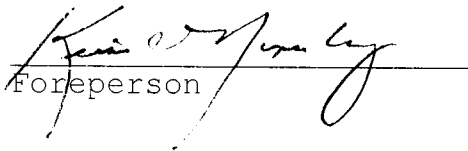
(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982(a)(2)(A) and Title 18, United States Code, Section 1349.)


Foreperson


MICHAEL J. GARCIA
United States Attorney

